

# Australian Federation of Air Pilots Federal Election E2013/173

## Declaration of Results for Uncontested Offices

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

### National Office Bearers

#### Vice-President (Administration and Finance)

Candidates

POLE, Louise

#### Vice-President (Membership)

Candidates

BOLLEN, Ben

#### Trustee

Candidates

BROWN, George F.

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Laura Leavy  
Returning Officer

1 August 2013

Joanne Janes  
Australian Federation of Air Pilots  
Senior Industrial Officer  
Level 4, 132-136 Albert Road  
SOUTH MELBOURNE VIC 3205

**Post Election Report For: Australian Federation of Air Pilots  
Election E2013/173**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Laura Leavy  
Returning Officer  
9 August 2013

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

AUSTRALIAN FEDERATION OF AIR PILOTS

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: E2013/173

**RULES**

Rules used for the election: [282V: Incorporates alterations of 28/12/2012 (R2012/179)](replaces rulebook dated 2/11/2012)

Rules difficult to apply/interpret: Rule 12(3)(i) states "Within 7 days of the close of nominations the Returning Officer shall issue... an envelope" which identifies when the ballot shall open. This rule cannot be complied with as it is in direct conflict of Rules 12(3)(b)(iii) and 12(3)(b)(iv)(1) which allows for remedying defective nominations "within not less than seven days after him being notified" and withdrawal of nominations "not later than 7 days after the close of nominations," respectively.  
As these conflict, could one please be changed to ensure consistency?

Also, rule 12(5)(b) states that "Nominations shall be called by the Returning Officer by notice posted by him to each member of the Federation eligible to vote under these Rules" (emphasis added).  
As the number of members has now exceeded 3000 this is a very highly impractical advertising method. It is suggested that this is changed to allow for email, website and/or advertising in a publication of the organisation instead.

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: Ballot not required

Number of apparent workplace addresses: Nil

Number of non-current addresses: Nil

Other matters pertaining to the roll of voters: Nil

**IRREGULARITIES**

Details of written allegations of irregularities, Nil  
and action taken by AEC:

Other irregularities identified, and action taken: Nil

## **ATTACHMENTS**

1. Uncontested Declaration

Laura Leavy  
Returning Officer  
9 August 2013



## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.189—Arrangement for conduct of an election

**Australian Federation of Air Pilots**  
(E2013/173)

AILSA CARRUTHERS

MELBOURNE, 23 MAY 2013

*Arrangement for conduct of election.*

[1] On 29 April 2013 the Australian Federation of Air Pilots lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Vice-President (Administration and Finance)  
Vice-President (Membership)  
Trustee

[2] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

Printed by authority of the Commonwealth Government Printer

<Price code A, PR537202>

**AUSTRALIAN FEDERATION  
OF AIR PILOTS**



**MEMBER OF THE  
INTERNATIONAL FEDERATION OF  
AIR LINE PILOTS' ASSOCIATION**

*President:*  
Bryan Murray

*Executive Director:*  
Simon Lutton

29 April 2013

Attention: Eve Anderson

General Manager  
Fair Work Australia  
GPO Box 1994  
MELBOURNE VIC 3001

Via email: [eve.anderson@fwc.gov.au](mailto:eve.anderson@fwc.gov.au)

Dear General Manager,

**Australian Federation of Air Pilots– Federal Election**

Please find attached information lodged in accordance with section 189(1) of Schedule 1 of the *Fair Work (Registered Organisations) Act 2009* ("RO Act"). The information includes the prescribed information in respect of an election, signed by Capt Bryan Murray, President of the AFAP, as specified in Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*.

Please note that to meet the requirements of the Federation Rules and the scheduling of the Annual Convention (6 September 2013), the Federal election should be commenced (nominations open) in accordance with Rule 12 of the Rules of the Australian Federation of Air Pilots.

Please contact me on (03) 9928 5737 or at [joanne@afap.org.au](mailto:joanne@afap.org.au) if you have any questions or require any additional information.

Yours sincerely,

Joanne Janes  
Senior Industrial Officer

**Level 4, 132-136 Albert Road, South Melbourne, Victoria 3205**  
**Tel: (03) 9928 5737 Fax: (03) 9699 8199**  
**Email: [admin@afap.org.au](mailto:admin@afap.org.au)**

## **PRESCRIBED INFORMATION IN RESPECT OF FEDERAL ELECTION SUBSECTION 189(1) OF FAIR WORK REGISTERED ORGANISATIONS ACT 2009**

I am an officer of the Australian Federation of Air Pilots and am authorised to sign this statement which is lodged in accordance with subsection 189(1) of Schedule 1 of the *Fair Work (Registered Organisations) Act 2009*.

**1. The office/s in respect of which the elections are required are:**

Vice President (Administration and Finance)  
Vice President (Membership)  
Trustee

**2. The reasons for which the elections are required are:**

Term of office of the officers will expire at Annual Convention scheduled for 6 September 2013.

**3. The electorate/s for the election are:**

The financial members of the Federation.

**4. The dates and times that nominations open and close are:**

Nominations should be called for in accordance with Rule 12 of the Rules of the Australian Federation of Air Pilots and be open for 21 days. If an election is required a ballot should be opened within 7 days after the end of the nomination period and closed not later than 21 days from the date of issue of the last ballot paper.

**5. The voting system to be used in the conduct of the elections is:**

Direct voting system of all financial members of the Federation.



**President, Bryan Murray**

**Date:** 29 April 2013